

## Thomas, Felicia

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**From:** (b) (6)  
**Sent:** Friday, May 10, 2013 7:08 AM  
**To:** DeGering, Tracy  
**Subject:** Individual Permit:

**Categories:** Responded To This Email

Tracy,

I was unable to complete the form for the Individual Permit because I answered "No" on page 14 to questions A. through J.

Specifically question C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A. or B. above? (Form 2C).

OUTFALL means a point source.

POINT SOURCE means any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

POLLUTANT means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954 as amended [42 U.S.C. Section 2011 et seq.]) heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean A. or B.....

I am not intending to introduce anything "pollutant" or otherwise into the water in which I am intending to work a suction dredge. I am merely intending to bring material already located in the river to the surface and allow the "heavies" to settle out and return everything back into the river, not far from where it was excavated from.

Can you tell me what Scientific studies your agency has performed to determine that this activity is anything other than a de minimus activity? Can you issue a waiver to the NPDES?

I'll be on the telephone to the NMFB, the USFWS, and other alphabet soup agencies.

Don Smith